

REMARKS/ARGUMENTS

Further to the Examiner's restriction requirement of June 14, 2005, the Applicant elects Group I (claims 1-7 and 22) with traverse.

SUMMARY OF THE AMENDMENTS

Claims 8-21 have been withdrawn from the application. The withdrawn claims may form the basis of one or more subsequent divisional applications.

DETAILED RESPONSE

On page 2 of the Office Action, the Examiner requires the restriction to one of the following groups of claims under 35 U.S.C. 121:

- I. Group I: Claims 1-7 and 22
- II. Group II: Claims 8-14
- III. Group III: Claims 15-21

In response, the Applicant elects Group I (claims 1-7 and 22) with traverse.

The applicant would like to bring to the attention of the examiner that, according to MPEP§803:

"There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 -§ 806.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) -§ 806.04(i), § 808.01(a), and § 808.02)."

Groups II and III are directed to a computer readable medium and a system implementing the method in Group I. The applicant submits that Groups I, II and III are related to a same general concept and would not be a serious burden on the examiner if examined in a same application.

As such, the traversal is on the grounds that the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states: "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." It is Applicants' position that the Examiner has failed to establish that a search of the entire application constitutes an undue burden. Therefore, it is respectfully requested that the entire application be searched and examined.

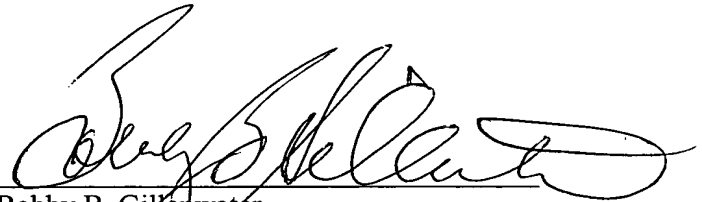
The Applicant therefore respectfully requests that Group I (claims 1-7 and 22), Group II (claims 8-14) and Group III (claims 15-21) be the subject of a joint examination on the merits.

In accordance with this election with traverse, applicants reserve all rights in the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.

CONCLUSION

The Applicant believes that claims 1-22 should be jointly considered and are in allowable form. Favourable consideration is requested. The Notice of Allowance is earnestly solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the assistance of the Examiner in making constructive suggestions or in drafting one or more acceptable claims so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.



Bobby B. Gillenwater
Reg. No. 31,105
(260) 423-9440

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